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An Old Settler's Story

In the old lead-mining days at Dubuque, before the Iowa country was brought within the jurisdiction of the law, it was an easy matter to raise a hue and cry against a person, particularly if he were a stranger and friendless, and the mob would inflict punishment with little regard for justice. There were few more striking instances of the operation of lynch law than the whipping of William Hoffman.

One day as I was returning to the village of Dubuque from the mines, my attention was arrested by a large crowd of people assembled in the vicinity of the blacksmith shop. In the center of the group stood a man about fifty years of age, wearing the fatigue uniform of a United States soldier. Time had begun to whiten the locks which fringed the glazed border of his military cap. He had assumed the erect military attitude, his arms were folded upon his breast, while his eye surveyed with calm indifference the circle of spectators which surrounded him.

This man, it appeared, was accused of stealing twenty dollars, and the assembled citizens were debating whether he should be whipped or tarred and feathered. At length it was suggested that a jury be

[This anecdote is adapted for THE PALIMPSEST from an account by Eliphalet Price published in *The Annals of Iowa* (First Series), Vol. IX, in April, 1871.—THE EDITOR]

impanelled with power to hear the facts alleged against the prisoner and decide what penalty seemed right to them. Accordingly, a jury was impanelled and a presiding judge was elected from their number. The complainant was then called. An Irishman who, like the accused, wore the uniform of a United States soldier, came forward.

"You will state what you know about the prisoner robbing you of twenty dollars," commanded the judge.

"May it plase yer 'onerable worships," began the plaintiff, "it's meself that got an 'onerable discharge last wake from the sarvice at Fort Crawford, whin says I te meself, 'Misther McMurty, ye'd better be degin' fer fortin in the mines than to be sogerin' away yer preshus life in doin' niver a thing, barrin' the killin' of a murtherin' Ingin now and thin.' An' with that, be dad, I tipped me cap to the aremy, shouldered me kit, an' with yer 'oner's lave, I arrived in the mines yestherday, and who should I mate but me ould comrad that's standin' up before the coort marshul. 'Willy,' says I, 'an' will yees be afther takin' a drap?' and wid that he said he wud. Well thin, it's a drap we tuk here and there, an' it was meself that tuk a drap too much, when, says I, 'Willy, ye's out of the sarvice longer nor meself, an' bether acquainted with the treeks of the world, do yees be takin' me mooney, an' kape it till I gits sober.' An' wid that he tuk it, an' now a divil a bit will he giv it me at all. An' yer 'onerable

worship knows that it's meself am sober as an ordily on duty, an' that's all I know about it."

The judge then asked the prisoner if he had any defense to make, to which he replied, "I admit that he gave me the money, and at his request I returned it to him soon after. This is true, gentlemen. I have nothing more to say."

"That won't do, old fellow," said the judge. "You can't come the 'old soger' here. You must give up the money or take fifty lashes."

"Give him a hundred," yelled the crowd. "Tar and feather him."

"Will you give up the money or take the lashes?" continued the judge.

"I have not the money," Hoffman insisted. "I returned it to him. I am not guilty of any wrong, gentlemen. I am innocent of the charge."

"Strip him!" came from the crowd.

"Give it to him raw, if he does not fork over," someone suggested, and started a rush for the prisoner. His coat, vest, and shirt were stripped from his body, and he was dragged to a rise of ground, where his hands were lashed each to the hind wheel of a wagon.

A powerful man was selected from the crowd to administer the flogging. A shudder seemed to creep over the prisoner as he watched the executioner coolly lay aside his coat and roll up his shirt sleeves. In the most beseeching manner he begged not to be marked with heavy blows, to which the man

of the whip replied, "I know my duty, and it's to rid the town of such as you."

"Give him the lash!" shouted the crowd.

"Will you give up the money?" asked the executioner, taking his position.

"I have not the money, gentlemen. Do not whip me," replied Hoffman as before.

The rawhide swished through the air, and descended in five successive blows of measured time. The screams, the agony of the prisoner seemed only to awaken a general shout of satisfaction from the mob. The blood trickled from the deep furrows of the lash, when again the bloody whip cut the air. For a moment an ashy paleness diffused over the countenance of the prisoner. His head lowered upon his breast as he staggered against the cords that bound him to the wheels.

"Score home another five!" yelled a blood-crazed spectator.

As the shout fell upon the ear of the prisoner, he started as from a dream and, gathering all his physical strength, he made an herculean effort to burst the bands that held him. Finding himself unequal to the task, he paused for a moment and gazed around upon his enemies; then, straightening himself to his full height, he burst out with an appeal, the energy and language of which can never be erased from my mind. Commencing in a clear, calm tone of voice, and ending with a ringing, stentorian shout, he exclaimed, "Do not kill me, my country-

men. I am an old man. I beat the drum at Tallapoosa and Tallushatchee, and on my breast I carry scars from Bad Axe. I am an American soldier. I am a native of Kentucky."

The delivery of this appeal seemed to strike the mob mute with astonishment, and for a few moments a solemn stillness reigned throughout the dense circle of spectators. Then an undulating swaying of the crowd upon the opposite side of the circle was noticed. A person forced his way through, and strode out upon the vacant area. He was a tall, raw-boned, athletic man, somewhat round-shouldered, and wore a white, slouched hat turned up in front, which, together with his buckskin over-shirt, bespoke him a miner. An old-fashioned flint-lock pistol was belted to his right side, while from his left swung a scabbard that contained his sheath-knife. Munching from a piece of tobacco that he held in his left hand, he advanced towards the prisoner with a slow but firm and measured stride, occasionally glancing to the right or left. There was a spasmodic twitching of the lips, accompanied with a scornful smile that occasionally lit up the scowling aspect of his visage, while his eye seemed to flash deadly defiance upon the crowd that surrounded him.

"I say, stranger," he drawled, "I mean you with the whip — suppose you stay your hand till we get better acquainted." Then, seizing the handle of his knife with his right hand, while with the left he

grasped the sheath that contained it, he exclaimed, "I say, if there is any man in this crowd from old Kentuck, and ain't ashamed to say so, let him show his hand." At the same time, snatching his knife from its scabbard, he flourished it above his head. Pausing for a moment with uplifted blade, he continued, "If there be none here it makes no difference; I am from those parts, and that's sufficient." Then, wheeling upon his heel, he cut the lashings that bound the prisoner.

"See here, stranger," he said, addressing the prisoner, "you say that you are from old Kentuck. Perhaps you are, and perhaps you are not. But there is no time now to consider that; it's enough for me to know that old Kentuck has been called, and I am here to answer for her. Now, if you've been guilty of a mean act, acknowledge the corn, and trail from these parts; and if you can show that you are not guilty, I'll furnish you the tools, and back you up through the tallest fight there's ever been in these diggin's."

Here he was interrupted by McMurty, who came rushing up and exclaimed, "Och, be the powers that made me, Willy, it's innocent ye are. Do yees be batin' him no more, for sure it's a drunken baste that I am, not to be rememberin' that he gave it back to me, and it's a drunken fool that I was to be pokin' the mooney under the office o' Squire Williams. Sure and do yees bate him no more till I brings the mooney, and show yees that it's not the

likes o' Willy that would be sarvin' me a dirty trick."

This announcement burst upon the mob like a stupefying thunderclap, and silence reigned for a time while they waited for the return of McMurty, but he was never after seen in Dubuque.

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